

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

APEX IT, INC.,

Civil No. 08-0596 (JRT/FLN)

Plaintiff,

v.

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

RHEMA BIBLE COLLEGE,

Defendants.

David Miller, Nathan Nelson, and Thomas Fafinski, **BENEPARTUM LAW GROUP, PA**, 1295 Northland Drive, Suite 150, Mendota Heights, MN 55120, for plaintiff.

Mark Steffenson, **HENNINGSON & SNOXELL, LTD**, 6900 Wedgwood Road, Suite 200, Maple Grove, MN 55311, for defendant.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Franklin L. Noel dated February 20, 2009 [Docket No. 41]. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, upon all of the files, records, and proceedings herein, the Court now makes and enters the following Order.

IT IS HEREBY ORDERED that Defendant's Renewed Motion to Dismiss or, in the Alternative, to Transfer Venue [Docket No. 25] is **GRANTED** in part and **DENIED** in part as follows:

1. Defendant's motion to dismiss is **DENIED**; and
2. Defendant's request to transfer venue is **GRANTED**. This matter shall be transferred to the Northern District of Oklahoma.

DATED: March 24, 2009
at Minneapolis, Minnesota.

s/John R. Tunheim
JOHN R. TUNHEIM
United States District Judge